

ancestry are celebrating their centennial of that great immigration wave this year. As someone who was part of the immigration experience, Judge Choy always paid particular attention, he said, to immigration cases to make sure they were decided fairly, and on the Ninth Circuit Court of Appeals, immigration cases are a significant portion of the total caseload.

When he graduated from the University of Hawaii, Judge Choy blazed another trail. He went back East to Boston to attend Harvard Law School where he distinguished himself as a scholar. When he graduated in 1941, as a Hawaiian on the East Coast of the United States of America, he was horrified, as were all Americans, when 6 months later, an anniversary that we recognized last week, on December 7, 1941 saw the attack on Pearl Harbor. Judge Choy, who had just graduated from law school, joined the United States Army, and served this country with distinction. He joined the Judge Advocate General Corps, prefiguring his work in private practice, beginning in 1946 at the end of World War II, as a lawyer. He became the Nation's first Korean American attorney, and practiced with the firm of Fong & Miho, later known as Fong, Miho, Choy & Robertson. Hiram Robertson, a distinguished Member of this Congress, was his law partner.

He went on to serve Hawaii as attorney general, beginning in 1957, and he was nominated by the President of the United States in 1971, elevated to the Federal bench, to the United States Court of Appeals, the largest and busiest of the Nation's appellate courts.

When he became the first Asian American on the Federal bench, it was not remarked upon in that way. Rather, people recognized that this was a first of another sort, this was one of the most remarkable people from any background nominated to the Federal bench, and as his law clerk and as so many of his law clerks gathering to honor him can attest, he was unique, and remains unique, in his capacity to inspire others through a quiet dignity, through leadership, scholarship that is not intimidating, but compassionate. He is scrupulously honest. I have known honest people in my life who have been examples for me, certainly my own parents, but never have I seen someone who is so scrupulously honest as Judge Choy.

Mr. Speaker, we honor today a man whose life in the United States of America symbolizes the importance of the rule of law and that vital pillar of our American republic depends upon people of character. There is no finer example of honesty, integrity, impartiality, and equality before the law than this man, Judge Choy, whom we honor today here in this Congress and in the courthouse in San Francisco. To Judge Choy, to his wife, Helen, and all of the Federal family, as he is want to call them, congratulations. This is a wonderful occasion to honor a wonderful man.

CONGRESS BORROWS TO FUND PROJECTS

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Oregon (Mr. DEFAZIO) is recognized during morning hour debates for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, today Congress will take up one of the largest single aggregate spending bills in the history of our Nation. There are billions more for foreign aide, there are many questionable projects and priorities; but what is most glaring about this legislation is what is not in it.

The interesting thing is that much of the money that funds the agencies and the projects under this bill will be borrowed. And Americans, working Americans, for the next 30 years, will be paying that bill. But there is one glaring oversight, one thing that is left out where we would not have had to borrow money, and that is to take care of the long-term unemployed here in the United States of America.

□ 0945

Why would we not have to borrow money to take care of them? Because there is \$20 billion in the unemployment trust fund, taxes that were paid in by employers and employees, that were set aside to take care of Americans in a time of need when they have lost their job and they cannot find another job through no fault of their own. \$20 billion is there. So out of the hundreds of billions of dollars in this bill that will be borrowed and spent elsewhere, including foreign aid, we could have taken care of the unemployed in the United States at no additional cost.

So why is it that they have been omitted for the second year in a row? Last year we notified the Republican leadership and the President that unemployment is a problem outside the Beltway of Washington, D.C. People are exhausting their benefits and they need help. That fell on deaf ears here in the House. The Republican leaders refused to bring forward legislation to help the long-term unemployed. Finally, sometime between Christmas and New Year's, when these people were receiving notices that their benefits would no longer be coming, Merry Christmas, the President woke up and asked the Congress when it reconvened in January to extend benefits further.

Unfortunately, the leaders, again, here in the Congress, the Republican leaders, chose to bury deep in that reauthorization of extended unemployment benefits something called a look-back provision. What it says is if half the people in your State are unemployed today, you can get extended benefits. But if a year from today, you still only have half the people in your State unemployed, those benefits will expire. The look-back provision says your unemployment has to get worse before we will extend benefits again. Oregon and many other States are falling into this trap now. Our economy

has not gotten significantly better. There are still many thousands of Oregonians unemployed who cannot find work. Many of them fall into this category of long-term unemployed. Thousands of them are going to see their benefits expire this month and tens of thousands more over the next couple of months. But because of this so-called look-back provision, they are no longer eligible to get unemployment benefits.

This is just extraordinary that this Congress would again think about leaving town for the Christmas and New Year's holidays and into the next year without authorizing extended unemployment benefits for tens of thousands of Oregonians and other Americans at no additional cost to taxpayers, just spending down those reserves in the unemployment trust fund.

But Congress, the Republican leaders, do not want to do that because that would make the obscene deficit look just a tiny bit bigger. We would not have to borrow that money to pay those benefits; but it would make their \$300 billion or \$500 billion, however you want to calculate it, if you calculate the fact that they are borrowing and spending every penny that is flowing into Social Security this year, no more lockbox around here, that money will be spent and borrowed and spent and borrowed and spent. But if you exclude that, we are in the \$300 billion range, the largest deficit in the history of the United States and spending down the unemployment trust fund would, on paper, make it look bigger; but it would not be anything that would be borrowing to obligate future generations of Americans, unlike the hundreds of billions of other spending in this bill.

So Congress wants to do one thing for this country and one thing for some of the people who have the most merit and are hurting through no fault of their own in this so-called jobless recovery, people whose jobs have been exported, in the case of my district to Canada, Mexico and China, under the trade policies of this administration and, yes, the past administration, which I opposed. These people want to work. They are productive people. They are hardworking people. They are willing to work. They just cannot find a job in the jobless recovery. So let us just give them a little bit of help in the interim so they do not lose their home, so they can feed their kids, so they can keep the lights on.

Do not go home, Congress, until you extend unemployment benefits for all Americans.

HOUSE CONTINUES LATE-NIGHT VOTING TRADITION IN PASSING MEDICARE BILL

The SPEAKER pro tempore (Mr. BOOZMAN). Pursuant to the order of the House of January 7, 2003, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, this is the people's House, conducting the public's business openly, or at least it used to be the people's House. At 2:54 a.m. on a Friday in March, the House cut veterans benefits by three votes. At 2:39 a.m. on a Friday in April, House Republicans slashed education and health benefits by five votes. At 1:56 a.m. on a Friday in May, the House passed the Leave No Millionaire Behind tax cut bill by a handful of votes. At 2:33 a.m. on a Friday in June, the House GOP passed a Medicare privatization and prescription drug bill by one vote. At 12:57 a.m. on a Friday in July, the House eviscerated Head Start by one vote. And then after returning from summer recess at 12:12 a.m. on a Friday in October, the House voted \$87 billion for Iraq. Always in the middle of the night, always after the press had passed their deadlines, always after the American people had turned off the news and gone to bed.

With that track record, Mr. Speaker, we should not be terribly surprised that when the House passed legislation privatizing Medicare and forcing the most sweeping changes to Medicare in its 38-year history, we should not be terribly surprised that this Republican House of Representatives passed that bill at 5:55 in the early morning, Saturday morning, hours. The Republican leadership delivered this 1,100-page Medicare bill to House Members on Friday morning at 1:46 a.m. We voted on it 25 hours later.

But I do not really blame my Republican colleagues. If I had produced this bill, I would not want to give people much time to look at it either. When Republican leaders sit down behind closed doors with the insurance industry and with the drug industry and write a bill to privatize Medicare, of course they do not want the public to know much about it.

This bill is not a prescription drug bill. We could have agreed bipartisanly to deliver a \$400 billion drug benefit to our Nation's seniors. This bill is a Medicare privatization bill, written by the drug industry, written by the insurance industry, for the drug industry and for the insurance industry. This bill forces seniors to join an HMO or pay more for the coverage they have now. And we know how HMOs have treated seniors in county after county after county in this country. This bill creates a \$20 billion, that is with a B, \$20 billion slush fund for HMOs and stacks the deck so resolutely against the core Medicare program that privatization is inevitable. This bill jeopardizes employer-sponsored retiree coverage for the 12 million-plus seniors who have this coverage. Several million seniors who now have prescription drug coverage as retirees are going to lose that coverage when their employers drop it. That is a certainty.

This bill leaves such huge coverage gaps in coverage that the average senior will run out of drug benefits by August each year, but will be required to

pay premiums through December. So they will not get a benefit in July, but they will pay the \$35, \$45, \$50, \$60 premium. They will not get a benefit in August, but they will be paying the \$35, \$45, \$50, \$60 premium. They will not get a benefit in September, but they will pay the premium. They will not get the benefit in October, but they will pay the premium. That is what the Republican privatization Medicare bill is all about, written by the drug companies for the drug companies, written by the insurance industry for the insurance industry.

Mr. Speaker, most of these damaging provisions do not go into effect until after the 2004 elections, but this is the people's House. We should conduct our business openly. We should be honest with people whom we serve. We should throw the drug companies and insurance companies out of our offices so they are not writing this privatization legislation. The American people deserve better.

MEDICARE

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, I want to follow up on what my colleague from Ohio said with regard to this Medicare bill that was passed in the middle of the night after the board was held open for 3 hours, even though most Members had voted. I want to say I was back in my district, of course, during the last 2 weeks during the Thanksgiving recess, and my constituents in New Jersey and throughout the State are outraged over this Medicare bill. They see it as nothing more than an effort to privatize Medicare, to change the traditional Medicare program and not to provide them with any kind of meaningful drug benefit. But what is the most amazing, Mr. Speaker, is what we have learned in the 2 weeks since that vote was taken, what we have learned about the arm-twisting that took place to try to influence Members on the Republican side to vote for the bill as opposed to against the bill, and what we have learned about provisions in the bill that many Members were not even aware of that make the legislation even worse.

I just wanted to talk about those two things this morning. First of all, there is now an investigation by the Justice Department into the bribery, alleged bribery or undue influence that was placed on Congressman SMITH in an effort by the Republican leadership to get him to change his vote against the Medicare bill and in favor of the bill. He ended up voting against the bill, refused to switch; but supposedly he was told that if he did not switch that \$100,000 would not be available from the Republican campaign war chest for his son who was running as a successor for

him to Congress. He was told that there would not be support for his son running as a Member of Congress if he did not change his vote.

Statements were made to that effect on the floor of the House of Representatives that suggest that somehow votes are for sale by the Republican Party on the House floor, here in the House of Representatives in these halls, in this Congress that we so dearly value. Bribery, allegations of bribery, and now the Justice Department is investigating it, in an effort to try to twist arms and get Republicans who wanted to vote against this bill because they knew that was the right thing to do and they were trying to convince them to vote the other way.

In addition, those of you who may have read the New York Times yesterday, front-page article talking about how the bill does not allow for seniors to buy MediGap coverage, I knew that this bill was bad and there are a lot of bad provisions in this bill and my colleague from Ohio has pointed out many of them; but many of us were not aware of the fact that the bill precluded MediGap insurance.

Do you know why it precludes MediGap insurance? Because it does not want seniors who are in traditional Medicare, the Republican leadership, the President, the Republican President, do not want seniors who are in traditional Medicare to be able to supplement and buy MediGap insurance. Why would that be? That is because they do not want them in traditional Medicare. They want to force them to go into an HMO to get their drug benefit or force them to buy some kind of drug-only policy which is going to be tremendously prohibitive. So seniors who traditionally have purchased MediGap coverage, supplemental insurance to cover the things that are not provided for in Medicare, are now going to be told, you cannot do that anymore. Imagine, you are a senior citizen, you do not want to join an HMO, you are very concerned about the cost of a drug-only policy which may not even be available in your area, but you cannot supplement your traditional Medicare by buying a MediGap policy, perhaps, that would provide for a nice drug benefit or would make it easier for you in the long run not to expend a lot of money out of pocket. They are now precluding you from doing this.

It is amazing to me. The Republicans talk about choice, that the reason that they wanted to privatize Medicare and do what they are doing with this bill is because they wanted seniors to have choices; but in effect, what they have done is limit seniors' choices. If seniors cannot even buy supplemental MediGap coverage, what kind of choice is that? No choice of a doctor because in order to get the drug benefit you have to join an HMO; but even if you want to supplement your insurance in traditional Medicare, you cannot do it anymore. They are not going to allow MediGap policies anymore.